
§ 25-10-104 SIGNS PROHIBITED IN PUBLIC EASEMENTS AND RIGHT-OF-WAY.

- (A) A person may not cause or authorize a sign to be installed, used, or maintained on or over public right-of-way or other public property, including any public easement or other public encumbrance over private property, except as authorized by this chapter.
- (B) The primary beneficiary of any sign installed in violation of this section is presumed to have authorized or caused the installation, use, or maintenance of the sign in violation of this section and commits an offense.
- (C) Proof of a culpable mental state is not required for conviction of an offense under this section.
- (D) An offense under this section is punishable by a fine of not less than:
 - (1) \$ 50 for a first conviction;
 - (2) \$ 200 for a second conviction within any 24-month period; and
 - (3) \$ 400 for a third or subsequent conviction within any 24-month period.
- (E) To determine the minimum fine under Subsection (D), one or more fines assessed during a 24-hour period beginning at midnight and ending at 11:59 p.m. constitute a single conviction.
- (F) A person who commits an offense under Subsection (A) shall remove the object. In addition to other enforcement remedies, a person who fails to remove an object within 48 hours after being notified of the offense in writing by an authorized City representative is subject to a civil penalty of \$200 per day for every day or part of a day the object is in place.
- (G) The city manager may remove a sign or other advertising device installed, used, or maintained on or over any public property or public right-of-way in violation of this chapter. Notice is not required to be given to the owner or beneficiary of a sign removed under this section, either before the removal or before the disposition or destruction of the sign.
- (H) This section does not prohibit the installation, use, or maintenance in the right-of-way of:
 - (1) a sidewalk sign;
 - (2) a projecting sign in the downtown sign district;
 - (3) a street banner;
 - (4) a wall sign that is mounted flat against the building and extends not more than 18 inches from the facade of a building and into right-of-way; or
 - (5) a sign installed by a governmental agency for a governmental purpose.
- (I) A sign installed, used, or maintained on or over public property or public right-of-way is presumed to be abandoned, unless the sign is authorized by this chapter. Chapter 9-1 (*Abandoned Property And Vehicles*) does not apply to a sign abandoned under this section.
- (J) The remedies authorized under this section are cumulative. If the City files a civil or criminal action, it is not precluded from pursuing any other action or remedy.

Source: Section 13-2-864; Ord. 990225-70; Ord. 031030-11; Ord. 031211-11; Ord. 040422-49; Ord. 20100610-064; Ord. No. 20170817-072 , Pt. 6, 8-28-17.